

**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
REQUEST FOR PROPOSALS (RFP)  
FOR THE DEVELOPMENT AND OPERATION OF AN  
ENVIRONMENTAL AND CULTURAL EDUCATION CENTER  
AT KIHOLLO BAY  
PU'U WA'AWA'A, HAWAII**

**SOLICITATION NO. RFP-11-06-DLNR**

November 15, 2006

## NOTICE TO INTERESTED PARTIES

### REQUEST FOR PROPOSALS FOR THE DEVELOPMENT OF AN ENVIRONMENTAL AND CULTURAL EDUCATION CENTER AT KIHOLO BAY, PU'U WA'AWA'A, HAWAII

#### Solicitation No. RFP-11-06-DLNR

The Department of Land and Natural Resources ("DLNR") is issuing this Request for Proposals ("RFP") to solicit proposals and qualifications from entities interested in developing an Environmental and Cultural education center located at structure B16, the former Loretta Lynn Residence, in the ahupua'a of Pu'u Wa'awa'a, Hawaii Island.

The DLNR envisions, at a minimum, the development and implementation of education programs for all ages, with establishment of classes in conjunction with the Hawaii Department of Education. These education programs will occur on-site at facilities at Kiholo, with the Loretta Lynn Residence providing a potential core for activities.

In addition to the development of the Environmental and Cultural Education Center, DLNR will permit the lessee to conduct certain commercial activities such as camping, beach trail tours, and other makai recreational activities within the Pu'u Wa'awa'a ahupua'a to supplement the cost of operating free and/or offering reduced cost educational programs at the Education Center.

The Environmental and Cultural Education Center will be the primary focus of the lessee and the recreational activities are to be supplemental and complementary to the education center activities, not the focus of the lessee and/or operations.

Interested entities must complete and submit a response to this RFP to Laura Fabrey, Education and Outreach Coordinator, P.O. Box 621, Honolulu, HI 96809 **by no later than 4:30 p.m. (HST), January 3, 2007.**

Copies of the RFP may be downloaded from our website at <http://www.hawaii.gov/dlnr/>

DLNR reserves the right to cancel the RFP and reject any and all submittals when it is in the best interest of DLNR. Any inquiries may be directed to Laura Fabrey, Education and Outreach Coordinator, at (808) 587-0407 or [Laura.A.Fabrey@hawaii.gov](mailto:Laura.A.Fabrey@hawaii.gov).

Any persons requiring special accommodation (e.g., large print materials, sign language interpreters) are asked to call (808) 587-0407.

Advertisement of RFP*	November 15, 2006
Deadline for Submitting Responses to RFP*	January 3, 2007
*These dates are estimated dates and are subject to change by the Chairperson, DLNR.	

BOARD OF LAND AND NATURAL RESOURCES

/s/ Peter T. Young

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Peter T. Young, Chairperson

Published November 15, 2006

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## **I. INTRODUCTION**

The Department of Land and Natural Resources ("DLNR") is issuing this Request for Proposals ("RFP") to solicit proposals and qualifications from entities interested in developing an Environmental and Cultural Education Center in structure B16, the former Loretta Lynn Residence (See Attachment 2 and 4).

The DLNR envisions, at a minimum, the development and implementation of education programs for all ages, with establishment of classes in conjunction with the Hawaii Department of Education. These education programs will occur on-site at Kiholo State Park Reserve, with the Loretta Lynn Residence providing a potential core for activities.

In addition to the development of the Environmental and Cultural Education Center, DLNR will permit the lessee of the Education Center to conduct certain commercial activities such as camping, kayaking, snorkeling, beach trail tours, and other makai recreational activities at Kiholo within the Pu'u Wa'awa'a ahupua'a to supplement the cost of operating free and/or offering reduced cost educational programs at the Education Center.

The Education Center will be the primary focus of the lessee and the recreational activities are to be supplemental and complementary to the education center activities, not the focus of the lessee and/or operations.

### **Background**

The State of Hawaii, DLNR owns the land within the ahupua'a of Pu'u Wa'awa'a on the Island of Hawaii. DLNR believes that the lands within the ahupua'a have excellent potential for the development of an Environmental and Cultural Educational Center due to the natural features and resources at Pu'u Wa'awa'a.

The Board of Land and Natural Resources transferred responsibility for State managed lands within Pu'u Wa'awa'a from the Land Division to the Division of Forestry and Wildlife (DOFAW) and Division of State Parks on January 25, 2002.

In June 2002, the Pu'u Wa'awa'a Advisory Council (PAC) was formed to function in a consultative capacity with DLNR staff involved in planning efforts for Pu'u Wa'awa'a. The PAC is comprised of 14 members representing a wide range of expertise and interests in the various components and actions proposed in the plan.

### **Management Plan**

Subsequently, DOFAW and State Parks worked both internally and with the PAC to develop a Management Plan for Pu'u Wa'awa'a and the lands of Pu'u Anahulu makai of Queen Ka'ahumanu Highway – an area comprising approximately 40,711 acres. The Land Board approved the "Management Plan for the Ahupua'a of Pu'u Wa'awa'a and the Makai Lands of Pu'u Anahulu" on July 15, 2003.

The Management Plan sets a course of action for the management and public use of the ahupua'a and surrounding lands by identifying 62 specific Management Objectives that are intended to support the complex array of resource management needs and community interests that apply to Pu'u Wa'awa'a and the makai lands of Pu'u Anahulu.

These Objectives are intended to provide a framework for management of this area for a 10-year period beginning in July 2003. The proposed Management Objectives are not presented in a prioritized or sequential format; rather they are grouped by category. There is clearly a need to actively seek additional resources through such means as grants, cooperative agreements, and partnerships in order to realize the full potential of this plan.

Objective 51 of the Management Plan specifies, “An interactive education curriculum will be designed to incorporate several components including native Hawaiian culture, restoration of native plants and animal communities, science and research, livestock grazing practices, and ecotourism activities. In this regard, the education center curriculum will apply Management Plan concepts to inspire participation and involvement from the community, schools, youth organizations, visitors, universities, and corporations.” It is no longer the plan for the State DLNR hire an Education Program Coordinator or be responsible for recruitment of a Volunteer Coordinator as stated in the proposed action for Objective 51. Currently this objective is being addressed through this RFP.

Objective 56 of the Management Plan specifies to “Upgrade Environmental and Cultural Education facilities.” The proposed actions accepted in this management plan contained the following upgrades to Structure B16: “upgrade to meet County code and paint structure; convert house to an interpretive center and office facility; bring in utilities and install ADA accessible ramps; install interpretive kiosks and learning stations with a focus on resources of the Kiholo Bay area. Support of programs and activities at both locations will include: website development; interactive education materials integrating Hawaiian language and culture for publishing; establish interpretive trails; and public relation strategies to ensure on-going community involvement.”

Any proposal for developing recreational and educational opportunities at Kiholo within the ahupua‘a of Pu‘u Wa‘awa‘a must incorporate the recommendations of the Management Plan. Those responding to this RFP are encouraged to read the Management Plan in full to get a further understanding of DLNR’s overall objectives and program goals for Pu‘u Wa‘awa‘a. The plan is available for review on the DOFAW website at <http://www.state.hi.us/dlnr/dofaw/pubs/>

### **Facilities**

Beyond the unique environmental and cultural features of Pu‘u Wa‘awa‘a, the area is also unique in that it contains a permanent structure, which is currently being underutilized and has the capacity to be used as an environmental education center. Thus this RFP seeks to utilize the structure as an Environmental and Cultural Education Center.

Loretta Lynn Residence (makai) - Situated within Pu‘u Wa‘awa‘a is the former Loretta Lynn residence, also referred to as structure B16. In 2001 Dr. Earl Bakken, owner of an in-holding within the Kiholo area of Pu‘u Wa‘awa‘a, gave the former Loretta Lynn residence, along with its three acre parcel at the shoreline, to DLNR in exchange for other lands at Kiholo. Objective 56 of the Master Plan calls for upgrading this facility for Environmental and Cultural education use. This structure will also provide office space for DLNR staff, which will be essential in DLNR’s partnership with the operator of the Environmental and Cultural Education Center.

As part of the land exchange agreement, Dr. Bakken committed to providing portable toilets and trash containers at the three-acre parcel, and to open and close the main access gate for a period of 5 years. The five-year period became effective on July 2, 2001 and ended on July 2, 2006. The services provided by the agreement with Dr. Bakken have been continued by the State, and are essential for the continued use by the public of the area. The chosen lessee will be required to take over the bathroom facilities, entry, trash and other management duties. Upon removal of temporary portable toilets the Department envisions that the selected bidder, as part of the infrastructure improvements, will implement a composting toilet system for the makai area at Kiholo Bay for public use.

This facility will serve as an Environmental and Cultural Education Center and as such be the core of operation for the selected bidder. However DLNR realizes that environmental and cultural education can take place anywhere and thus does not need to be confined to a specific building. In keeping with the Department’s goal of “hands on” education, the lessee would be able to have environmental education activities take place within the makai area at Kiholo Bay and Kiholo State Parks Reserve.

This facility may be shared with DLNR for office space and other uses. However it lacks water and electricity and is in some disrepair and thus is not currently used to its full potential by DLNR. However, cost for the construction or updates to infrastructure for the operations of the Environmental and Cultural Education Center are solely the responsibility of the chosen lessee. As well, the lessee is responsible for the upkeep, and maintenance of the facility.

### **Subject Property**

The Education Center may be located at structure B16, the former Loretta Lynn Residence. With the approval of DLNR, additional recreational commercial activities may be developed and managed by the lessee on portions of land parcels as described by Tax Map Keys: (3) 7-1-002:008, :002 (See attachment 3, Loretta Lynn Residence is approximately 3,517 feet makai of Queen Ka'ahumanu Highway, located within a larger parcel of approximately 3 acres). Based on responses received, the DLNR will determine the appropriate method and approach to pursue this project.

### **Ahupua'a**

The ahupua'a of Pu'u Wa'awa'a and the makai lands of Pu'u Anahulu present a remarkable diversity of historical, natural, cultural and recreational resources: archaeological and cultural sites, a rich history of ancient and contemporary human use, historic coastal trails, an undeveloped coastline environment (approximately 8.5 miles long), good swimming beaches, anchialine ponds, uncommon ecosystems that are highly unique in their species composition, livestock grazing and hunting to name but few of many.

The Division of State Parks has always considered the coastal area of these ahupua'a as a potential State Park, and in past years has undertaken a number of background research studies. In January 2002, Tax Map Key (3) 7-1-002:002 was set aside for State Park Reserve under management of the Division of State Parks. Additionally in May 2006, Tax Map Keys 7-1-002:008 and 7-1-003:002, :007 were set aside for natural, cultural, recreational, resource management purposes, including but not limited to restoration of native plant and animal ecosystems, preservation of cultural resources, reforestation, hunting, public recreation, research, pasture, education and eco-tourism activities, to be under the control and management of the Division of State Parks. In recognition of the decline in suitable habitat for many rare and endangered species, DOFAW initiatives lead to the establishment and official designation of the Pu'u Wa'awa'a Forest Bird Sanctuary. These are the management activities that have been designated to occur within and surrounding the area proposed for operation of the education center.

Traditional Hawaiian land planning and management was historically conducted at the ahupua'a scale throughout the islands. The current interest in developing an environmental education center at Kiholo within Pu'u Wa'awa'a has created a unique and exciting opportunity to teach the traditional concept of ahupua'a management in a contemporary context.

The ahupua'a of Pu'u Wa'awa'a has the potential to function as a rich backdrop for both Environmental and Cultural education programs. With DLNR's continued implementation of the Management Plan and its partnership with the operator of the Environmental and Cultural Education Center, the Kiholo State Parks Reserve within the ahupua'a of Pu'u Wa'awa'a promises to provide educational opportunities for a wide range of people including school children, community groups, university researchers, and international visitors.

### **Community Involvement**

The success of the Management Plan and the subsequent environmental education center depends on the support of the public and community involvement. The community will only support the Environmental and Cultural Education Center operator if it has a good understanding and appreciation of the value of the resource and an understanding of the management challenges, goals, and philosophies inherent in the Plan. In this regard, the importance of Environmental and Cultural education programs is underscored.

Community values and Management Plan objectives must be integrated with educational curricula aimed at increasing knowledge in cultural history, biodiversity, and resource management. It is noted in the Management Plan that no annual operations relating to Environmental and Cultural education currently exist.

### **Environmental and Cultural Education**

The Department envisions the creation of an educational facility, which is open to the public, with programs and resources that promote environmental and cultural resource education. Programs would be developed which would increase awareness and knowledge and ultimately result in a better understanding and appreciation of the makai area of Pu'u Wa'awa'a ahupua'a, for those who visit.

The DLNR envisions, at a minimum, the development and implementation of education programs for all ages, with establishment of classes in conjunction with the Hawaii Department of Education. These education programs will occur on-site at Kiholo State Park Reserve, with the Loretta Lynn Residence providing a potential hub for activities.

### **Other Activities**

Additionally, it is envisioned that the lessee would need to engage in additional activities to support the education center and related activities. Commercial activities within the makai portion of the ahupua'a may include camping, kayaking, snorkeling, guided hiking along beach trails, and other beach related activities.

The Environmental and Cultural Education Center will be the primary focus of the lessee and the commercial recreational activities are to be supplemental and complementary to the education center activities, not the focus of the lessee and/or operations. Further, the public would still retain all rights to use public lands for recreational and cultural activities. Recreational use of any part of the ahupua'a will not be exclusive to the lessee.

### **Authorization**

On September 28, 2004 BLNR Chair Peter Young met with the PAC to discuss the education center concept. The meeting was open to the public and held in Waimea. Another public meeting was held on October 24, 2004 at which time the PAC discussed the education center concept. From the meeting, the PAC developed a list of Preliminary Guidelines for Education Center within the Pu'u Wa'awa'a Ahupua'a. This list will help advise the development and implementation of an education center and related development at Kiholo within Pu'u Wa'awa'a.

On December 10, 2004, under agenda item C-4, the Board of Land and Natural Resources (BLNR) authorized the issuance of a public notice to solicit proposals for developing multi-recreational and educational opportunities within the ahupua'a of Pu'u Wa'awa'a, Hawaii (Attachment 6).

A Request For Interest (RFI) was issued on March 22, 2005 for both the mauka and makai portions of Pu'u Wa'awa'a to gain an understanding of the various organizations and approaches to the provision of education center programs for Pu'u Wa'awa'a. Six responses to the RFI were submitted by the April 20, 2005 deadline. After review DLNR decided to separate the mauka and makai portions and thus is issuing this RFP for the makai area of Pu'u Wa'awa'a at Kiholo only.

## II. PROJECT BACKGROUND

### **Project Goals and Objectives**

The DLNR's goals for this project are to:

- 1) Develop educational and recreational opportunities at Kiholo within the ahupua'a of Pu'u Wa'awa'a, which incorporate the recommendations of the Management Plan.
- 2) Development and operation of Environmental and Cultural Education Center within the former Loretta Lynn Residence that provides on-site programs in collaboration with the Hawaii State Department of Education, other school and educational programs. Provide educational opportunities for a wide range of visitors to the ahupua'a that includes but is not limited to school age children, community groups, independent visitors, university researchers, and international visitors. This is DLNR's primary goal in this project.
- 3) Develop and manage value-enhancing public recreational activities including camping, kayaking, snorkeling, guided hiking and bird watching, etc., in the vicinity of the education center, which will provide a source of revenue to support the Environmental and Cultural Education Center operations. Such activities shall not detract from the educational focus of the RFP and complement any conservation/management activities of DLNR. Additionally, use of Pu'u Wa'awa'a will not be exclusive to the chosen lessee.
- 4) Develop the project by a qualified entity that will plan and develop all aspects of the project in close collaboration with the DLNR, obtain all permits and approvals necessary to implement the project, including but not limited to subdivision, environmental assessment and/or environmental impact statement, any land use entitlements, building or other permits and bear a portion of the costs of the project.
- 5) Incorporate into the education programs, the unique history and traditions of the ahupua'a of Pu'u Wa'awa'a and Pu'u Anahulu through close consultation with the Hui 'Ohana mai Pu'u Anahulu a me Pu'u Wa'awa'a (Hui 'Ohana) and PAC whom possess a deep heritage associated with the project area.

This RFP address's only the opportunity for development and operation of an education center facility, as well as the opportunity to include limited commercial activities to help offset the costs of providing free and/or reduced cost educational experiences at the facilities. The proposed activities are to be in and around the facility as noted, structure B16, the former Loretta Lynn Residence.

This RFP does not include the opportunity or obligation for bidders to assume the overall management of the Pu'u Wa'awa'a ahupua'a. DLNR does not relinquish any of its authority of Pu'u Wa'awa'a to the chosen lessee. DLNR, working with the PAC and Hui 'Ohana, is the final arbiter of all activities with in the ahupua'a.

These are general development objectives and the DLNR encourages bidders to create their own Environmental and Cultural Education Center development concept and a mix of educational and recreational activities for the project. By allowing greater creativity and flexibility, it is hoped that Bidders will be better able to design a feasible proposal, which will be consistent with, and will satisfy, DLNR's goals and objectives.

Any bidder should be cognizant of the PAC guidelines (Attachment 5) and is encourgaed to address these guidlines in its response to this RFP.



### **Scope of Services**

The selected environmental education center lessee is expected to provide the following services:

- **Marketing:** Development of a marketing strategy and marketing materials such as brochures, flyers, website, and conducting presentations for recruitment, fundraising, and partnership purposes. Assure quality opportunity for information access.
- **Outreach:** Travel island-wide to give presentations at schools, promote the Environmental and Cultural Education Center and meet with schoolteachers, counselors and administrators. Assure program compliance with Hawaii Department of Education regulations.
- **Program Development:** Create a program structure, identifying expected program outcomes. Work with DLNR in the development of an operation schedule. It is expected that the education center will be open for organized education programs as well as for drop-in visitors throughout the day and possibly open for periodic evening sessions. Develop an environmentally and culturally enhanced curriculum. Develop an Environmental and Cultural Education Center that provides on-site programs in collaboration with the Hawaii State Department of Education, other school and educational programs. Provide educational opportunities for a wide range of visitors to the ahupua'a that includes but is not limited to the public, organized groups, independent visitors, and university researchers.
- **Program Consultations:** Work closely with DLNR staff, Hui 'Ohana, and the PAC in order to comply with program expectations and regularly report to DLNR on the program's progress.
- **Report Writing:** The Education Center lessee will write an end-of-the-year program report by June 30 of each year. This report will summarize and review the many areas of the program as well as provide important program data.
- **Partnerships Development:** Communicate with other groups active within the ahupua'a to avoid conflicts on the land or in concept. Develop partnerships with DLNR and its various divisions as well as others.
- **Project Entitlements:** Develop the project by a qualified entity that will plan, and develop all aspects of the project in conjunction with the DLNR, obtain all permits and approvals necessary to implement the project including but not limited to subdivision, environmental assessment and/or environmental impact statement, any land use and/or building permits and entitlements, and bear a portion of the costs of the project.
- **Culture:** Interpret the unique history and traditions of the ahupua'a of Pu'u Wa'awa'a and Pu'u Anahulu through close consultation and partnership with the Hui 'Ohana and PAC whom possess a deep heritage associated with the project area.

### **Project Duration**

The contract (including an implementation timeline) with the selected lessee for the provision of the development of an Environmental and Cultural Education Center will be negotiated after selection.

### **Qualifications**

In order to qualify as responsible proposer individuals must meet the following standards:

- Demonstrated financial resources for performance, or the ability to obtain such resources, as required during performance;
- Demonstrated experience, organization, technical qualifications, skills, and facilities to perform the service called for in this document under scope of work.
- Otherwise qualified and eligible to receive award under applicable laws and regulations;

Additional qualifications should include but are not limited to:

- Demonstrated understanding of the ahupua'a concept and the interrelationships between Native Hawaiian culture and their environment;
- Ability to work with established groups that are associated with the land, such as the PAC, Hui 'Ohana, and the families that possess a deep heritage in Pu'u Wa'awa'a;
- An understanding of the Pu'u Wa'awa'a Management Plan and ability to develop educational programs in accordance with the ideals, principals and vision of the Management Plan;
- Experience working with multi-agency partnerships. Ability to coordinate effectively with state, federal, and private agencies/organizations;
- Ability and willingness to address and mitigate potential conflicts between education center operations and other uses of the ahupua'a;
- Established organization with the ability to assign multiple staff to help operate the program. Internal staff training shall be required for teachers and staff that interface with schools as well as other groups and individuals;
- Demonstrated experience in the operation of an Environmental and Cultural education facility including curriculum development, educational, interpretive programs, outreach, management, volunteer programs, budgeting, etc.;

## **III. REQUEST FOR PROPOSALS (RFP)**

### **Submittal Requirements for RFP**

The bidder agrees that the proposal shall constitute a firm offer to the Department of Land and Natural Resources and cannot be withdrawn for any reason after the due date for submission of the proposals. The bidder shall agree that objectives listed are firm and shall remain so throughout the performance of the work.

The proposers responding to this RFP shall submit ten (10) copies of its proposal, which shall include, at a minimum, the information and materials listed below. The proposal shall be organized in a manner that is consistent with the headings and sequence presented below.

1. Cover Letter

Submit a cover letter on the bidder's letterhead addressed to DLNR and signed by an authorized representative of the bidder.

2. Offers Form OF-1

Proposal is requested to submit its Proposer's exact legal name as registered with the Department of Commerce and Consumer Affairs (DCCA), if applicable, and to indicate exact legal name in the appropriate space on the Offer Form OF-1, Exhibit A. Failure to do so may delay proposal execution of the contract.

3. Executive Summary

Provide an executive summary of the critical aspects of the proposal.

4. Master Plan

Provide a conceptual master plan of the subject property. The following shall be provided:

- a. Site Plan: Provide a conceptual site plan of the proposal showing the location, configuration, access, and approximate sizing of the proposal components, and the relationship of the different components with each other, and any proposed additional improvements and proposed activities.
- b. Narrative Description: Provide a narrative description of the proposal, activities, improvements, access, etc. An outline of the development program and phases, if any, and statements indicating how the plan satisfies DLNR's objectives, statements indicating that each component is in compliance with the use of public lands, and descriptions of the benefits to the State and the general public as a result of the development.
- c. Other: Provide any other information, plans, illustrations that would assist DLNR in visualizing the proposal.

If the evaluation committee, in its sole discretion, determines that the bidder does not possess the necessary experience, DLNR may deem the bidder unqualified to participate in the RFP process or may take such factors into consideration in evaluating the bidder's proposal.

5. Business Plan

The required business plan shall specify all of the major elements necessary to implement the development proposal and should be developed to a level of detail appropriate for preliminary funding commitments for the entire proposal. The business plan should include, at a minimum, the following:

- a. Schedule: Outline the proposed development schedule and proposal phasing, if any, (including realistic start and completion dates), and highlight any events that are critical to the timely completion of the proposal.

The schedule should address adequate time for negotiations with DLNR, due diligence, appropriate environmental and cultural review, land use entitlements and permitting, design and construction, to include a proposal completion date.

- b. Construction Cost Estimates: Provide construction cost estimates for the entire proposal with a breakdown of each component. Construction cost estimates should include all hard and soft costs, and account for cost escalations.

- c. Financing Strategy and Preliminary Commitments: Describe the bidder's proposed financing plan for the entire proposal. Describe, to the extent possible, the bidder's estimates of equity requirements and construction and takeout financing, and the bidder's proposed source of funds.

Provide examples of financial approaches and lenders used for similar proposals.

- d. Marketing Plan: Provide a marketing plan that shows how the bidder intends to implement the proposed development program to achieve the proposed financial results.

Provide evidence of business relationships that make implementing the marketing plan feasible.

- e. Method of Operation: Describe the proposed method of operation and uses for the proposal.

- f. Organization: Explanation of how the lessee will organize, develop, manage, implement, and monitor this program including relationships with schools, federal, state, and local governments, council members, profit and non-profit organizations, and the general public to meet the goals of the proposal.

### **Responsibility of Proposers:**

All proposals must comply with Hawaii Administrative Rules (HAR) Section 3-122-112 "Responsibility of Offerors". Thus, proposer is advised that if awarded a contract under this solicitation, Proposer shall, upon award of the contract, furnish proof of compliance with the requirements of 103D-310(c), HRS:

1. HRS 237 - Tax Clearance Requirements:

Pursuant to §103D-328, HRS, the chosen proposer shall be required to obtain a current tax clearance certificate issued by the State of Hawaii Department of Taxation (DOTAX) and the Internal Revenue Service (IRS) prior to entering into a contract with the State and again to receive final payment.

The certificate shall have an original green certified copy stamp, and shall be valid for six (6) months from the most recent approval stamp date on the certificate. It must be valid on the date it is received by DLNR. (Note: Tax clearances are valid for six (6) months for purposes of contract execution. If the tax clearance certificate submitted with the application is no longer valid at the time of contract execution, organization will need to acquire and submit a new certificate).

The tax clearance certificate may be obtained on the State of Hawaii, DOTAX TAX CLEARANCE Application form A-6 (Rev. 2005) which is available at the DOTAX and IRS offices in the State of Hawaii of the DOTAX website, and by mail or fax:

DOTAX Website: [http://www.state.hi.us/tax/a1\\_1alphalist.htm](http://www.state.hi.us/tax/a1_1alphalist.htm)

DOTAX Forms by Fax: (808) 587-4242

DOTAX Forms by Mail: P.O. Box 259 Honolulu, HI 96809

Completed tax clearance applications may be mailed, faxed, or submitted in person to the DOTAX, Taxpayer Services Branch, to the address listed on the application. Facsimile numbers are:

DOTAX: (808) 587-1488      IRS: (808) 539-1573

It is recommended that the "Tax Clearance Application," Form A-6, be mailed to a DOTAX district office as soon as possible; as the process may take 21 calendar days before a tax clearance is received.

The application for the clearance is the responsibility of the proposers, and must be submitted directly to the DOTAX or IRS and not to DLNR. However the tax clearance certificate shall be submitted to DLNR directly.

2. HRS Chapters 383 (Unemployment Insurance), 386 (Worker's Compensation), 392 (Temporary Disability Insurance), and 393 (Prepaid Health Care) requirements:

Pursuant to §103D-310(c), HRS, the chosen proposer shall be required to submit an approved certificate of compliance issued by the Hawaii State Department of Labor and Industrial Relations (DLIR). The certificate is valid for six (6) months from the date of issue and must be valid on the date it is received by DLNR. A photocopy of the certificate is acceptable to DLNR.

The certificate of compliance shall be obtained on the State of Hawaii, DLIR APPLICATION FOR CERTIFICATE OF COMPLIANCE WITH SECTION 3-122-112, HAR, Form LR #27, which is available at: <http://hawaii.gov/labor/forms/DCD-LIR27.pdf> or at the neighbor island DLIR District Office.

The application for the certificate is the responsibility of the proposer and must be submitted directly to DLIR and not to DLNR. The DLIR will return the form to the proposer who in turn shall submit the certificate to DLNR.

3. Compliance with §103D-310(c) (1) and (2), HRS:

Pursuant to section 3-122-112, HAR, the proposer shall be required to submit a CERTIFICATE OF GOOD STANDING (Certificate) issued by the State of Hawaii Department of Commerce and Consumer Affairs Business Registration Division (DCCA – BREG). The Certificate is valid for six (6) months from date of issue and must be valid on the date it is received by DLNR. A photocopy of the certificate is acceptable to DLNR.

To obtain the Certificate, the proposer must first be registered with DCCA – BREG. A sole proprietorship, however, is not required to register with the BREG, and therefore not required to submit the certificate.

Online business registration and the Certificate are available at <http://www.hawaii.gov/dcca/areas/breg>. To register or obtain the Certificate by phone, call (808) 586-2727 (M-F 7:45 to 4:30 HST). Proposers are advised that there are costs associated with registering and obtaining the Certificate.

#### **Timely Submission of all Certificates:**

The above certificates should be applied for and submitted to the respective agencies as soon as possible. If a valid certificate is not submitted to DLNR in a timely basis after award of exclusive negotiations, an offer otherwise responsive and responsible may not receive the contract and final agreement process. The selected bidder will have one (1) month after written notification of selection to submit the necessary forms and certificates to DLNR.

#### **Final Agreement Requirements:**

Selected bidder is required to submit a valid tax clearance certificate for final payment on the contract. A tax clearance certificate, not over two months old, with an original green certified copy stamp, must accompany the invoice for final payment on the contract.

In addition to a tax clearance certificate, an original "Certification of Compliance for Final Payment" (SPO Form-22), will be required for final payment. A copy of the SPO Form-22 is available at

[www.spo.hawaii.gov](http://www.spo.hawaii.gov). Select “Forms for Vendors/Contractors” from the Procurement of Goods, Service and Construction – Chapter 103D, HRS, menu.

### **RFP Timeline**

Advertisement of RFP\*

November 13, 2006

**Deadline for Submitting Responses to RFP\***

**January 3, 2007**

\*These dates are estimated dates and are subject to change by the Chairperson, DLNR.

### **Deadline**

Bidders to this RFP are required to submit ten (10) copies of the Proposal. The Proposal shall be due by **4:30 pm (HST) on January 3, 2007**. “Solicitation No. RFP-11-06-DLNR” shall be referenced on the outside of the sealed proposals. Faxed or emailed proposals shall not be accepted.

### **Cost of Proposal Preparation**

Costs for developing the proposals are the sole responsibility of the proposer, whether or not any award results from this solicitation. The State of Hawaii will provide no reimbursement for any such costs.

### **Disposition of Proposal**

All proposals become the property of the State of Hawaii. The successful proposal will be incorporated into the resulting contract with modifications as deemed necessary by DLNR.

### **Evaluation Criteria**

All responses will be forwarded to the PAC and Hui ‘Ohana for review and recommendations.

An evaluation committee, appointed by Chairperson of DLNR, shall evaluate the proposals submitted for this RFP and consider the recommendations of the PAC and Hui ‘Ohana in making its recommendation.

The evaluation committee shall evaluate proposals in accordance with the RFP and based on the following general criteria:

#### **1. Minimum Criteria for Proposal Responsiveness:**

- a. Submitting incomplete proposal document or failure to sign the proposal; documents may be justification for rejection of a proposal.
- b. Failure to respond or comply with the qualifications provided in RFP or requirements provided by statutes or law may be justification for rejection of a proposal.

#### **2. Proposal Evaluation Criteria**

The committee will evaluate the proposals based on the following criteria:

##### **Plan**

- Degree to which the master plan and business program meet DLNR's objectives.
- Educational, recreational, and cultural facilities and programs benefiting the general public.

##### **Economic Proposal**

- Reasonableness and economic viability of the proposal.

#### Business Plan

- Organization of the business plan and demonstrated understanding of requirements necessary to implement the development proposal.
- Market and financial feasibility of the development proposal.
- Feasibility of the proposed development schedule.
- Financing strategy and ability to finance the development proposal.

#### Experience and Knowledge

- Demonstrated experience and ability to implement proposal.
- Demonstrated experience to provide component parts of the proposal.
- Demonstrated knowledge of the Native Hawaiian culture and of the ahupua'a concept of sustainable land management.
- Demonstrated experience in coordinating and cooperating with multiple groups including government agencies, community groups, businesses, organizations and other interested parties.
- Demonstrated experience in environmental education and outreach activities with youth.

Once the evaluation committee has evaluated the proposals and selected a proposer this recommendation will go before Land Board for final approval.

The negotiated contract will then be taken to the Land Board for final approval and authorization.

## **IV. NEGOTIATION OF FINAL AGREEMENT**

### **Exclusive Negotiations**

DLNR will enter into exclusive negotiations with the selected bidder. During exclusive negotiations, DLNR and the selected bidder will negotiate in good faith an agreement setting forth the terms and conditions under which DLNR will make available the subject property to the bidder and the rights and obligations of each party with respect to the development and implementation of the respondent's plan.

The exclusive negotiations will be for up to three (3) month period and will be based upon the proposal submitted by the bidder. If the agreement is not executed by the expiration of the exclusive negotiation period, all rights of the bidder to negotiate such agreements shall terminate, provided, however, that DLNR may, in its sole discretion, extend the negotiation period by written notice to the bidder for up to an additional three (3) months.

Upon the expiration of the exclusive negotiation period, this RFP process shall terminate and no rights to negotiate any development agreement or lease shall accrue to any other applicant or bidder.

DLNR reserves the right, after selection of a lessee, to negotiate any additional terms, conditions or modifications, to the terms set forth in this RFP or to the lessee's proposal (including its plan) if it is in DLNR's best interest to do so.

**DLNR Discretion, Non-Liability, and Waivers**

The bidder, by submitting a response to this RFP, waives all rights to protest or seek legal remedies whatsoever regarding any aspect of this RFP. DLNR reserves the right to issue written notice to all bidders of any changes in the selection schedule should DLNR determine in its sole and absolute discretion, that such changes are necessary.

**Cancellation of RFP and Rejection of Responses**

DLNR reserves the right to cancel this RFP, re-advertise for new proposals, reject any and all responses in whole or in part, or require amendments or modifications to the responses with no liability whatsoever, when it is in DLNR's or public's best interest to do so. DLNR also reserves the right to amend requirements and materials, in writing, at any time prior to the submission deadline. The information contained in this RFP is believed to be reliable, but cannot be guaranteed.

Any and all information submitted in response to this RFP shall be retained by DLNR and shall not be returned to the applicant.

**V. DISCLAIMERS**

The issuance of this RFP shall not be construed as binding the DLNR to any course of action whatsoever regarding the conduct of ongoing or future solicitations for the development of an environmental education center and recreational opportunities at Kiholo within the Ahupua'a of Pu'u Wa'awa'a. Further, having submitted a response to this RFP will not be a prerequisite for participating in any solicitations the DLNR may choose to conduct in the future and will not confer any right or advantage to the bidder with respect to such solicitations.

DLNR assumes no responsibility for costs incurred in the preparation of a response to this RFP or related activities of any bidder.

DLNR reserves the right to amend or cancel this RFP, re-advertise, reject any and all responses in whole or in part, require amendments or modifications to the responses, or not to proceed with development of this property with no liability whatsoever, when it is in DLNR's best interest to do so.

DONE at the Office of the Department of Land and Natural Resources, State of Hawaii this \_\_\_th day of \_\_\_\_\_ 2006.

BOARD OF LAND AND NATURAL RESOURCES

By:

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Peter T. Young, Chairperson



## ATTACHMENT 1 – OFFER FORM OF-1

Department of Land and Natural Resources  
Office of the Chairperson  
P.O. Box 621,  
Honolulu, Hawaii 96809

Dear Ms. Laura Fabrey:

The undersigned has carefully read and understands the terms and condition specified in this Request for Proposals (Solicitation No. RFP-11-06-DLNR) attached hereto and in the General Terms and Conditions developed by the Attorney General's office (Form AG2-CG(1/01), by reference made a part hereof and available upon request; and hereby submits the following offer to perform the work specified herein, all in accordance with the true intent and meaning thereof. The undersigned further understands and agrees that by submitting this offer, 1) he/she is declaring his/her offer is not in violation of Chapter 84, Hawaii Revised Statutes, concerning prohibition State contracts, and 2) he/she is certifying that the information contained within the proposal is true and accurate, and 3) he/she is certifying that the price submitted was (were) independently arrived at without collusion.

The undersigned represents that it is (check one only):

- ☐ A Hawaii business incorporated or organized under the laws of the State of Hawaii or  
☐ A compliant Non-Hawaii business not incorporated in the State of Hawaii, DCCA-BERG to do business in the State of Hawaii. State of Incorporation: \_\_\_\_\_

Offeror is:

☐ Sole Proprietor      ☐ Partnership      ☐ Corporation      ☐ Joint Venture      ☐ Other \_\_\_\_\_

Federal I.D. No.: \_\_\_\_\_

Hawaii General Excise Tax License I.D. No. \_\_\_\_\_

Business Address (street address): \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Date: \_\_\_\_\_

Respectably Submitted:

(x) \_\_\_\_\_

Authorized (Original) Signature

Telephone No.: \_\_\_\_\_

\* \_\_\_\_\_

Name and Title

Fax No.: \_\_\_\_\_

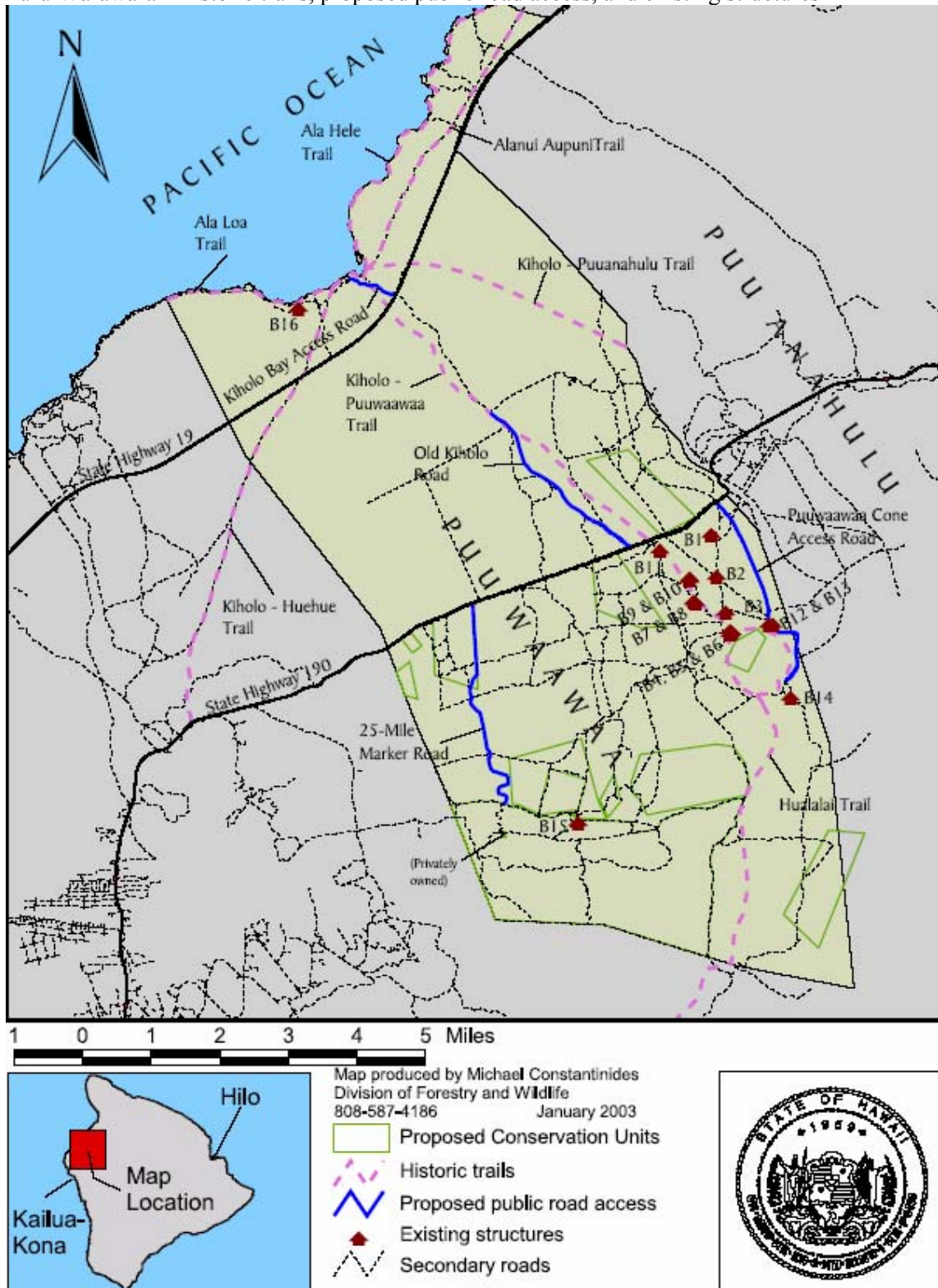
\_\_\_\_\_  
Exact Legal name of Company (Offeror)

Email Address: \_\_\_\_\_

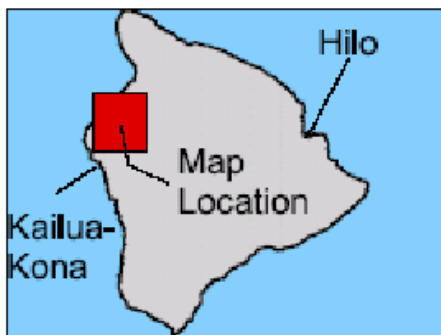
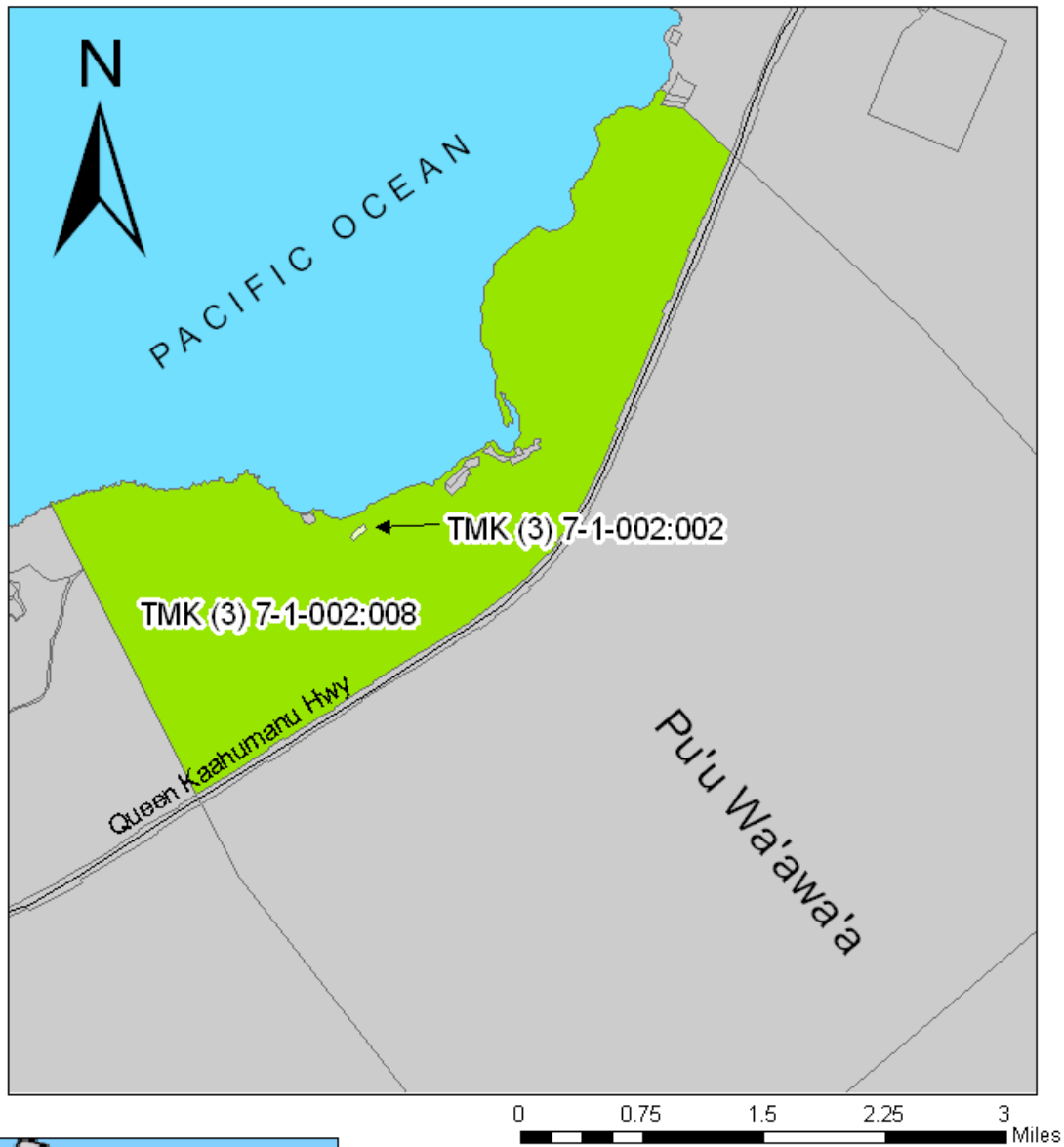
\* If Offeror is a "dba" or a "division" of a corporation, furnish the exact legal name of the corporation under which the award contract will be executed.

## ATTACHMENT 2 - Pu'u Wa'awa'a Ahupua'a Map

Pu'u Wa'awa'a - Historic trails, proposed public road access, and existing structures



## TMK's of Kiholo State Parks Reserve within the Pu'u Wa'awa'a Ahupua'a



### Legend

— Roads

### Tax Map Keys

- 371002002
- 371002008



Map created by DLNR  
Chairperson Office  
November 2006



#### **ATTATCHMENT 4- Photo of Proposed Environmental Education Center**

Loretta Lynn House - Structure B16



## **ATTACHMENT 5 - Pu'u Wa'awa'a Advisory Council - Preliminary Guidelines for Education Center within the Pu'u Wa'awa'a Ahupua'a**

The Pu'u Wa'awa'a Advisory Council (PAC) was formed in 2002 to function in a consultative capacity with DLNR staff involved in planning efforts for Pu'u Wa'awa'a.

1. The Pu'u Wa'awa'a Management Plan of July 2003 will serve as a guide for Education Center activities.
2. The Education Center Operator will coordinate with the 'ohana, the Pu'u Wa'awa'a Advisory Council, and DLNR staff to develop and implement activities and to establish education/interpretative content.
3. DLNR and the Pu'u Wa'awa'a Advisory Council will establish a threshold of allowable Education Center revenue, above which monies will be dedicated to uses identified in the Pu'u Wa'awa'a Management Plan of July 2003 and/or to the improvement of structures and resources within the ahupua'a of Pu'u Wa'awa'a.
4. Facilities used for Education Center activities may be on a shared basis between the State, the Lessee, and other users. A portion of a building may be accessed exclusively by the Lessee.
5. Certain natural and cultural resource areas within the ahupua'a will be shared by a variety of users, including the Education Center, DLNR, and the general public. Other areas, including areas of high sensitivity, will only be accessible by DLNR personnel.
6. Education Center Operator may be asked to manage camping areas at Kiholo and may also be involved with issuing commercial tour permits and assisting with trail and other types of maintenance.
7. Public use limits will be established based on carrying capacity as determined by DLNR and the Pu'u Wa'awa'a Advisory Council and may fluctuate with the season of the year, weather, fire hazards, various activities and uses, and other criteria.
8. A policy to accommodate large groups will be developed through consultations between the Education Center Operator, the Pu'u Wa'awa'a Advisory Council, and DLNR.
9. Education Center staff will be encouraged to participate in maintenance of resource areas and restoration projects identified in the Pu'u Wa'awa'a Management Plan of July 2003.
10. All facility improvements or additions shall be subject to DLNR approval and must remain installed on premises upon termination of the Education Center agreement.

**ATTACHMENT 6 - Land Board Submittal of December 10, 2004, Agenda Item C-4**

State of Hawaii  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Forestry and Wildlife  
Honolulu, Hawaii 96813

December 10, 2004

Chairperson and Members  
Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

Land Board Members:

SUBJECT: REQUEST FOR APPROVAL IN CONCEPT AND TO ISSUE A PUBLIC NOTICE TO SOLICIT INTEREST FOR DEVELOPING MULTI-RECREATIONAL AND EDUCATIONAL OPPORTUNITIES WITHIN THE PU'U WA'AWA'A AND PU'U ANAHULU AHUPUA'A'S, HAWAII

Submitted for your consideration is a request to approve in concept and to issue a public notice to solicit interest for developing multi-recreational and educational opportunities on state lands within the Pu'u Wa'awa'a and Pu'u Anahulu ahupua'as.

The area herein referred to as Pu'u Wa'awa'a includes many unique environmental features including undisturbed beaches, pristine forest habitat and alkaline pools. What is envisioned is the development and implementation of education programs and education center, combined with commercial activities such as camping; trail tours, hiking, vehicle tours, and other recreational activities.

**BACKGROUND:**

The Board of Land and Natural Resources transferred responsibility for State managed lands within Pu'u Wa'awa'a from the Land Division to the Division of Forestry and Wildlife (DOFAW) and State Parks on January 25, 2002. This transfer was intended for resource management purposes including restoration of native plant/animal ecosystems, preservation of cultural resources, reforestation, hunting, public recreation, research, pasture management, nature education and eco-tourism activities.

Subsequently, DOFAW and State Parks worked together with the Pu'u Wa'awa'a Advisory Council to develop a management plan for the area. The Land Board approved the management plan on July 25, 2003.

The management plan sets a course of action for the management and public use of this unique area. Chapter nine of the Management Plan - Cultural and Environmental Education Program Development, addresses educational and recreation opportunities in the area.

"The ahupua'a of Pu'u Wa'awa'a has the potential to function as a rich backdrop for both cultural and environmental education programs."

ITEM C-4

When managed with a commitment to maintain and restore the ahupua'a as described in the Management Plan, Pu'u Wa'awa'a promises to provide educational opportunities for a wide range of people including schoolchildren, community groups, university researchers, and international visitors." (Page 41)

Management Objective 51 of the Pu'u Wa'awa'a Management Plan states:

"Fund and hire education center staff to initiate education and volunteer programs".

"An interactive education curriculum will be designed to incorporate several components including native Hawaiian culture, restoration of native plants and animal communities, science and research, livestock grazing practices, and eco-tourism activities. In this regard, the education center curriculum will apply Management Plan concepts to inspire participation and involvement from the community, schools, youth organizations, visitors, universities, and corporations". (Page 41)

"Aside from hunting and both camping and fishing activity at Kiholo Bay there is presently little public use of and exposure to the ahupua'a or Pu'u Wa'awa'a and Pu'u Anahulu. Raising community interest in these areas will benefit the resources therein. An effective volunteer program would aid in natural resource stewardship and accomplishment of management objectives by providing assistance with labor intensive management efforts while simultaneously providing an environmental educational benefit. Some volunteer groups are already participating in projects within Pu'u Wa'awa'a, but the program needs to be greatly expanded". (Page 41)

#### EXISTING FACILITIES:

Beyond Pu'u Wa'awa'a's unique environmental and cultural features, the area is also unique in that it contains various permanent structures, which are currently being underutilized. (See map attachment 1)

Within the mauka area of Pu'u Wa'awa'a is structure B7, also referred to as the "Pu'u Wa'awa'a Meeting House". Objective 54 of the Master Plan states:

"Establish an education center at Structure B7"

"Structure B7 was built by ranch lessees for the purpose of entertainment, and is known as "The Pu'u Wa'awa'a Meeting House." Pu'u Wa'awa'a provides a good setting for a hands-on, interactive education center. Here visitors can participate in activities that demonstrate the relationship between the environmental and traditional and current human land-use practices. Structure B7 will also be used as a public information and education center for interpreting plant and animal resources of the surrounding area." (Page 45)



The proposed action for this structure in the management plan includes upgrading the structure to meet County code and to paint the structure. The construction of interpretive kiosks and learning stations at the Center and throughout the ahupua'a to support field studies is also recommended.

Another structure within Pu'u Wa'awa'a is the former Loretta Lynn residence. Objective 56 of the master plan states:

"Upgrade Cultural and Environmental Education Facilities"

"All DLNR divisions have an interest in the management of coastal resources in the Kiholo Bay area. Structure B16, the former Loretta Lynn residence, is located on the three acre State Park Reserve parcel near the coast. Conversion of this structure into a DLNR interpretive center and DLNR staff office would directly facilitate implementation of the wide range of objectives proposed in this plan. The setting and infrastructure at Structure B7, the Pu'u Wa'awa'a Meeting House, also provides great potential for supporting cultural and educational programs."

"The following items and facilities will be developed or constructed at or adjacent to Structure B7: Greenhouse; summer youth camp; children's hands on nature museum; conversion of structure B7 to an education Center facility, including capability to support conferences, workshops, research and summer student exchange programs. The following upgrades will be made to Structure B16: upgrade to meet County code and paint structure; convert house into an interpretive center and office facility; bring in utilities and install ADA assessable ramps; install interpretive kiosks and learning stations with a focus on resources of the Kiholo Bay area. Support of programs and activities at both locations will include: website development; interactive education materials integrating Hawaiian language and culture for publishing; establish interpretive trails; and public relation strategies to ensure on-going community involvement."

In 2001 Dr. Earl Bakken, owner of an in-holding within the Kiholo area of Pu'u Wa'awa'a, gave the Loretta Lynn house, along with its three acre parcel at the shoreline, to DLNR in exchange for other lands at Kiholo. The house is currently boarded up and because the house lacks electrically and water is currently not used.

As part of the land exchange agreement, Dr. Bakken committed to providing portable toilets and trash containers at the three-acre parcel, and to open and close the main access gate for a period of 5 years. The five-year period became effective on July 2, 2001 and will end July 2, 2006. Thereafter the area is to be managed by State Parks.

The timing is now appropriate for this proposal, as certain factors have created momentum in this direction. With the Bakken agreement expiring in 2006, there is no proposed management of the area in place to take over bathroom facilities, entry, trash and other management duties. This is of great concern to many groups including area residents, the Pu'u Wa'awa'a Advisory Board and DLNR. The services provided by the agreement with Dr. Bakken are essential for the continued use of the area by the public.



Thus, moving forward with an educational component will help alleviate the burden of the Bakken agreement expiring and with it all current management in the lower Kiholo area. We envision that the operator of the proposed education center will take over the responsibility covered by Dr. Bakken.

#### EDUCATIONAL PARTNERSHIPS:

The Department has been successful in other educational partnerships in the past and hopes to continue this momentum, with more partnerships in the future. The Land Board recently approved the Department's request to negotiate terms and conditions of a lease for a multi-recreational and environmental education facility at the Wailua Reservoir on the island of Kauai. The Department will be partnering with Hawaii Nature Center for this project, which includes development of an education center, commercial fishing and water bird habitat.

The Department is dedicated to the development of education center and educational partnerships throughout the state. It is the Department's hope that Pu'u Wa'awa'a will join a growing list of areas where educational partnerships can be forged and expanded. This project is part of a larger priority of the Department's to investigate opportunities across the state for education partnership and education center development.

#### PROPOSED ACTIVITIES:

The Department envisions the creation of educational facilities, which are open to the public, with programs, and resources that promote natural and cultural resource education. Programs would be developed which would increase awareness and knowledge and ultimately result in a better understanding and appreciation of the environment, for those who visit. By offering "hands on" learning activities, nature center, especially those in appropriate natural settings, promote and enhance natural and cultural resource education.

A main component of any education center is its association and partnerships with schools. Education center can assist educators in incorporating environmental education into their curriculum. They provide an outdoor learning environment where children are able to experience "hands on", what they learn in the classroom. Environmental education focuses on appreciation and awareness of the natural environment as well as ways of sustainably utilizing and protecting it. Lessons engage participants in nature and many believe that when people are able to interact with nature they are better able to understand how and why it is important.

Educational facilities and programs within Pu'u Wa'awa'a would offer opportunities, outside of the classroom for children to learn about nature (biology, ecology, natural resources management). School classes may also become involved in activities such as scientific monitoring of the area, which in turn would help with the management of the area.

Education facilities are usually available to schoolchildren at a nominal fee. However this nominal fee is usually not enough to cover the total cost of the educational experience. Thus in order to offer a reduced rate to schools, organizations many times supplement their income with fees derived from concession income and income derived from other education programs that generate positive revenue.

Not only would an education facility provide educational opportunities to school kids, adults, and college students would benefit as well.

Tourists and locals would be able to learn about the history and culture of the area as well as the components that make it a place they want to be! The development of a volunteer program is also envisioned which would help support the objectives of the management plan.

As stated above, an important part of this proposal is the need for revenue from operations to pay for educational activities. Additionally it is envisioned that a nature center operator would need to engage in activities to support the education center itself. The education center operator would need to be able to supplement their income with other more recreationally based activities. The recently approved project at Wailua, will supplement its education facility and programs both economically and educationally with commercial fishing and other commercial opportunities.

Commercial activities at Kiholo may include hiking the beach trails, kayaking, snorkeling, camping, and other beach related activities. Activities in the mauka areas of Pu'u Wa'awa'a may include nature walks, mountain biking, bird watching, hiking, and camping. These activities will help to supplement the education component of the education center as well as their overall economic sustainability.

For example after learning about the diversity of fish species in Hawaii, families could participate in a snorkeling tour of Kiholo Bay lead by a natural interpreter for a fee. Other families may choose instead to be briefed on the area at the education center and engage in these activities on their own.

Offering a variety of means of experiencing this unique region will enhance both visitor and local experiences. Likewise school groups may elect to only participate in education center activities while smaller classes may have the opportunity to participate in one or more of the commercial activities. These activities will be directly related to learning about and experiencing what this unique area has to offer.

#### SCOPE OF WORK:

Many creative ideas and concepts are being explored across the State. This proposal is broad in scope because the Department does not want to limit itself to specific activities at this stage in the process. The Department would like to leave this initial request open to see what ideas may be developed to help enrich, protect and manage the area.

The request for Information (RFI) and subsequent Request for Proposals (RFP) will help to evaluate which opportunities are feasible and which entities are willing to pursue these activities. Subsequently the RFP will give the Department, the Pu'u Wa'awa'a Advisory Council, the general public, and Board the chance to evaluate these opportunities to see if they fit with the Department vision of educational component at Pu'u Wa'awa'a.

Response to the prospect of educational facilities at Pu'u Wa'awa'a has been positive. BLNR Chair Peter Young met with the Pu'u Wa'awa'a Advisory Council on September 28, 2004 to discuss the education center concept. The meeting was open to the public and held in Waimea. At the meeting Advisory members expressed interest in and support for the concept and were excited about its possible implementation.

Another public meeting was held on October 24, 2004 at which time the Pu'u Wa'awa'a Advisory Council discussed the education concept. From that meeting the Advisory Council developed a list of Preliminary Guidelines for Education Center within the Pu'u Wa'awa'a Ahupua'a (see Attachment 3). This list will help advise the development and implementation of education center and related development within Pu'u Wa'awa'a.

RECOMMENDATION: That the Board:

- 1) Approve this initiative in concept, and authorize the Division to issue an RFI via the State and County Procurement web page to solicit interest and ultimately solicit proposals for developing and operating multi-recreational and educational opportunities with the ahupua'a's of Pu'u Wa'awa'a and Pu'u Anahulu, Hawaii.
- 2) Approve that the RFI include:
  - a. The attached "Preliminary Guidelines" as general guidance, and not specific conditions, which may or may not be part of the final education center operating agreement.
  - b. Require an explanation of qualifications, experience, and capacity to operate the education center.
  - c. Require that the successful operator from this process comply with Hawaii Revised statutes, Chapter 343.

Respectfully Submitted,

/s/ Paul Conry

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PAUL CONRY  
Administrator

Attachment

APPROVED FOR SUBMITTAL:

/s/ Peter T. Young

---

PETER T. YOUNG, Chairperson  
Board of Land and Natural Resources

STATE OF HAWAII — DEPARTMENT OF TAXATION  
**TAX CLEARANCE APPLICATION**  
PLEASE TYPE OR PRINT CLEARLY

**1. APPLICANT INFORMATION:** (PLEASE PRINT CLEARLY)

Applicant's Name \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip Code \_\_\_\_\_

DBA/Trade Name \_\_\_\_\_

**2. TAX IDENTIFICATION NUMBER(S):** (Complete applicable ID numbers)

FEDERAL EMPLOYER ID # \_\_\_\_\_ - \_\_\_\_\_

(FEIN)

SOCIAL SECURITY #(SSN) \_\_\_\_\_ - \_\_\_\_\_

**3. APPLICANT IS A/AN:** (CHECK ONLY ONE BOX)

- ☐ CORPORATION ☐ S CORPORATION ☐ TAX EXEMPT ORGANIZATION  
☐ INDIVIDUAL ☐ PARTNERSHIP ☐ ESTATE ☐ TRUST  
☐ LIMITED LIABILITY COMPANY ☐ LIMITED LIABILITY PARTNERSHIP  
☐ Single Member LLC disregarded as separate from owner; enter owner's FEIN/SSN \_\_\_\_\_

**4. THE TAX CLEARANCE IS REQUIRED FOR:**

- ☐ CITY, COUNTY, OR STATE GOVERNMENT CONTRACT IN HAWAII \* ☐ LIQUOR LICENSE \*  
☐ REAL ESTATE LICENSE ☐ CONTRACTOR LICENSE ☐ BULK SALES  
☐ FINANCIAL CLOSING ☐ PROGRESS PAYMENT ☐ PERSONAL  
☐ HAWAII STATE RESIDENCY ☐ FEDERAL CONTRACT ☐ LOAN  
☐ SUBCONTRACT ☐ OTHER \_\_\_\_\_

\* IRS APPROVAL STAMP IS ONLY FOR PURPOSES INDICATED BY ASTERISK.

**5. NO. OF CERTIFIED COPIES REQUESTED:**

**6. SIGNATURE:**

PRINT NAME

PRINT TITLE: Corporate Officer, General Partner or Member, Individual (Sole Proprietor), Trustee, Executor

SIGNATURE

DATE

TELEPHONE

FAX

**POWER OF ATTORNEY.** If submitted by someone other than a Corporate Officer, General Partner or Member, Individual (Sole Proprietor), Trustee, or Executor, a power of attorney (State of Hawaii, Department of Taxation, Form N-848) must be submitted with this application. If a Tax Clearance is required from the Internal Revenue Service, IRS Form 8821, or IRS Form 2848 is also required. Applications submitted without proper authorization will be sent to the address of record with the taxing authority. UNSIGNED APPLICATIONS WILL NOT BE PROCESSED.

**PLEASE TYPE OR PRINT CLEARLY — THE FRONT PAGE OF THIS APPLICATION BECOMES THE CERTIFICATE UPON APPROVAL.**

**SEE PAGE 2 ON REVERSE & SEPARATE INSTRUCTIONS.** Failure to provide required information on page 2 of this application or as required in the separate instructions to this application will result in a denial of the Tax Clearance request.

**FOR OFFICE USE ONLY**

BUSINESS START DATE IN HAWAII  
IF APPLICABLE  
/ /

HAWAII RETURNS FILED  
IF APPLICABLE

20\_\_\_\_ 20\_\_\_\_ 20\_\_\_\_

**STATE APPROVAL STAMP**

U.S. DEPARTMENT OF THE TREASURY  
INTERNAL REVENUE SERVICE  
HAWAII OFFICE  
100 SOUTH KALANIANAʻOHE AVENUE  
SUITE 200  
HONOLULU, HAWAII 96813-5000  
(808) 541-2300  
www.irs.gov

**\*IRS APPROVAL STAMP**

**CERTIFIED COPY STAMP**

7. **CITY, COUNTY, OR STATE GOVERNMENT CONTRACT:** ☐ Bid/Entering Into a Contract ☐ Completion/Final Payment  
For completion/final payment of contract, please provide the name and telephone number of the contact person at the State or County Agency.  
Name: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

8. **LIQUOR LICENSING:** ☐ Initial ☐ Renewal ☐ Transfer-Seller ☐ Transfer-Buyer ☐ Special Event

9. **CONTRACTOR LICENSING:** ☐ Initial ☐ Renewal

10. **STATE RESIDENCY:** DATE APPLICANT ARRIVED IN HAWAII \_\_\_\_\_

11. **ACCOUNTING PERIOD:** ☐ Calendar year ☐ Fiscal year ending \_\_\_\_\_  
(MM/DD)

12. **TAX EXEMPT ORGANIZATION:**

A) Provide the Internal Revenue Code Section that applies to your exemption. \_\_\_\_\_

B) Does your organization file federal Form 990-T, Exempt Organization Business Income Tax Return? ☐ YES ☐ NO

13. **CORPORATION:** Parent's Corporation Name \_\_\_\_\_ FEIN \_\_\_\_\_

14. **INDIVIDUAL:** Spouse's Name \_\_\_\_\_ SSN \_\_\_\_\_

15. **IF YOU DO NOT HAVE A GENERAL EXCISE TAX LICENSE AND REQUIRE A TAX CLEARANCE FOR A GOVERNMENT CONTRACT:**

A) Has your firm had any business income in Hawaii prior to the Bid? ☐ YES ☐ NO

B) Does your firm have an office, inventory, property, employees, or other representatives in the State of Hawaii? ☐ YES ☐ NO

C) Has your firm provided any services within the State of Hawaii? ☐ YES ☐ NO

16. **FILING THE APPLICATION FOR TAX CLEARANCE:**

The completed application may be mailed, faxed, or submitted in person to the Department of Taxation, Taxpayer Services Branch. Applications which require an Internal Revenue Service Tax Clearance will be forwarded to the Internal Revenue Service after processing is completed by the Department of Taxation. Allow up to 10 to 15 business days for processing between the Department of Taxation and the Internal Revenue Service.

State Dept. of Taxation  
TAXPAYER SERVICES BRANCH  
P.O. BOX 259  
HONOLULU, HI 96809-0259  
TELEPHONE NO.: 808-587-4242  
TOLL FREE: 1-800-222-3229  
FAX NO.: 808-587-1488  
or  
830 PUNCHBOWL STREET, RM 124  
HONOLULU, HI 96813-5094

Internal Revenue Service  
WAGE & INVESTMENT DIVISION  
-TC M/S H214  
FIELD ASSISTANCE GROUP 562  
300 ALA MOANA BLVD., #50089  
HONOLULU, HI 96850  
TELEPHONE NO.: 808-539-1555  
FAX NO.: 808-539-1573  
or  
TAXPAYER ASSISTANCE CENTER  
HONOLULU:  
300 ALA MOANA BLVD., RM 1-128

Applications are available at Department of Taxation and IRS offices in Hawaii, and may also be requested by calling the Department of Taxation's Forms By Fax/Mail request line on Oahu at 808-587-7572 or toll-free at 1-800-222-7572. The Tax Clearance Application, Form A-6, can be downloaded from the Department of Taxation's website ([www.hawaii.gov/tax](http://www.hawaii.gov/tax)).

..... FOR OFFICE USE ONLY .....

TYPE OF TAX	TAX RETURNS FILED STATUS	Clerk's Initials	ITEMS RECEIVED
INCOME			
GENERAL EXCISE/USE			
HAWAII WITHHOLDING			
TRANSIENT ACCOMMODATIONS			
RENTAL MOTOR /TOUR VEHICLE			
UNEMPLOYMENT INSURANCE			
OTHER TAXES			

**DISABILITY COMPENSATION DIVISION**  
**P.O. Box 3769**  
**Honolulu, Hawaii 96812-3769**

Oahu: 586-9161

Hilo: 974-6464

West Hawaii: 322-4808

Maul: 984-2072

Kauai: 274-3351

**DIGEST OF CHAPTERS 386, 392 and 393**  
**HAWAII WORKERS' COMPENSATION, TEMPORARY DISABILITY**  
**INSURANCE AND PREPAID HEALTH CARE LAWS**

**TO THE EMPLOYER:** The Disability Compensation Division (DCD) of the Department of Labor and Industrial Relations administers three important labor laws which directly concern all employers with one or more employees working part-time or full-time. We have prepared this digest to inform you of some of the highlights of the Workers' Compensation (WC), Temporary Disability Insurance (TDI) and Prepaid Health Care (PHC) Laws (Chapters 386, 392 and 393 of the Hawaii Revised Statutes), and to assist you in complying with the requirements of the three laws. For details or answers to specific questions, please refer to the three laws or contact the nearest Disability Compensation Office.

The three laws require you to provide for your employees:

- **WC** - Wage replacement benefits and medical/hospital care for work-related illness or injury by purchasing insurance from a Hawaii-licensed insurance carrier or adopting an approved self-insurance plan.
- **TDI** - Wage replacement benefits for nonwork-related disabling illness or injury by the same methods listed above or by negotiating a collective bargaining agreement which provides sick leave benefits as favorable as required by this chapter.
- **PHC** - Medical and hospital care for nonwork-related illness or injury by: (1) purchasing an approved health care plan from a health care contractor such as Kaiser, HMSA, or a Hawaii-licensed insurance carrier, (2) by adopting an approved self-insured health care plan, or (3) negotiating a collective bargaining agreement which provides health care benefits at least equivalent to that mandated by this chapter.

**Workers Excluded from Coverage.** Except for those specifically excluded from coverage, almost everyone hired to work is covered by one, two or all of the three laws. Refer to the three laws for a complete list of services excluded from WC, TDI, or PHC coverage. Listed below are the more familiar services which are excluded:

- **WC** - Federal government workers; certain domestic workers earning less than \$225 a calendar quarter; domestic workers of public welfare recipients; unpaid or volunteer workers for a religious, charitable or nonprofit organization; students working for a school or university in return for board, lodging or tuition; duly ordained or licensed ministers or rabbis.
- **TDI** - In addition to the above exemptions, insurance agents emunerated solely by way of commission; individuals under 18 years of age in the delivery or distribution of newspapers; individuals working for son, daughter or spouse; children under age 21 working for father or mother.
- **PHC** - Federal, state and county workers; workers employed for less than 20 hours a week; agricultural seasonal workers; insurance and real estate salesmen paid solely by way of commission; individuals working for son, daughter or spouse; children under age 21 working for father or mother; workers covered as dependents under a qualified health care plan; workers covered by State-governed medical assistance; workers receiving public assistance.

**Eligibility Requirements**

- **WC** - The only requirement is that the worker is in covered employment and the injury or illness is work-connected.
- **TDI** - Worker must have been in covered employment with any Hawaii employer for at least 14 weeks with remuneration of 20 or more hours in each week, and earned wages of at least \$400 during the 52 weeks immediately preceding the first day of disability.
- **PHC** - Worker in covered employment must have worked four consecutive weeks of 20 or more hours a week and earned monthly wages of at least 86.67 times the Hawaii minimum hourly wage, rounded off to the next higher dollar. Coverage must be provided at the earliest enrollment date of the health care contractor selected pursuant to this chapter.

**Filing A Claim**

- **WC** - You should complete Form WC-1 "Employer's Report for Industrial Injury" as soon as you have knowledge of disability.
- **TDI** - Your employee obtains claim form (TDI-45) from employer and completes **Part A -- Claimant's Statement**. Employer completes **Part B -- Employer's Statement**. Worker must then have **Part C -- Doctor's Statement** certified by a licensed doctor, dentist, chiropractor, osteopath or naturopath. Completed claim form must be filed with insurer within 90 days of disability date.
- **PHC** - Your employee should present a health care membership card whenever health care services are required.



### **Benefit Provisions**

- **WC** - For work-related injury or illness - all required medical, surgical and hospital services and supplies including drugs; weekly benefits from the fourth day of disability to replace wage loss, representing 66.66% of the worker's average weekly wage but not more than the maximum weekly benefit amount annually set by the DCD; additional benefits if injury results in permanent disability or disfigurement; funeral and burial expenses if work injury results in death; and additional weekly benefits to surviving widow and other dependents.
- **TDI** - For nonwork-related injury or illness - wage replacement benefits representing 58% of the worker's average weekly wage rounded off to the next higher dollar with the maximum amount correlated with the State unemployment insurance maximum, and payable from the eighth day of disability for a maximum duration of 26 weeks in a benefit year. A plan providing benefits deviating from the above must be reviewed and adjudged equivalent by the DCD.
- **PHC** - For nonwork-related injury or illness the following benefits: hospital (including in-patient care for at least 120 days of confinement in each calendar year), surgical, medical, diagnostic laboratory services and maternity. For more information, see Section 393-7 of the law. All health care plans must be approved by DCD.

### **Premium Costs**

- **WC** - The employer pays the entire premium cost; sharing it with workers is prohibited.
- **TDI** - The employer may pay the entire premium cost or share it with the workers. You can deduct one-half of the cost but not more than .5% of the worker's weekly taxable wages up to the maximum set annually by the Division. You pay the remaining portion exceeding the prescribed limitation. If a worker does not meet the eligibility requirements, you cannot withhold any deductions until such time the worker meets the eligibility requirements. No premium payments required for employees who are not eligible for benefits.
- **PHC** - The employer may pay the entire premium cost or share it with the workers. You can deduct one-half of the cost but not more than 1.5% of the worker's monthly wages. You pay the remaining portion exceeding the prescribed limitation.

### **Appeals**

- **WC** - You (your carrier) or your worker have the right to file an appeal with the Labor and Industrial Relations Appeals Board against any decision rendered by the DCD. The appeal must be filed within 20 days after the decision has been sent by the division.
- **TDI** - When denying TDI benefits to a worker, you (or your insurer) should send the **Notice of Denial (Form TDI-46)** to the DCD for review. If no communication is received from the division within ten days, send three copies of the denial to the worker. The worker has 20 days in which to appeal the denial with the division.
- **PHC** - When denying health care benefits to your worker, you or your health care contractor shall promptly mail a notice of denial to your worker, who then has 20 days in which to request a review by the DCD. If the affected parties are not satisfied with the division's findings, the case will be referred to the Prepaid Health Care Appeals Referee. The referee's decision is final, but may be appealed to the circuit courts.

### **Special Funds**

- **WC** - Self-insured employers and insurance carriers are subject to special assessment whenever the Special Compensation Fund dips below a prescribed fund balance deemed insufficient to meet payment requirements. Among other legal stipulations, the fund is used to pay benefits to a worker whose employer defaulted in providing workers' compensation coverage. Benefits paid from the fund shall be recovered from the defaulting employers.
- **TDI** - The TDI Special Disability Fund is established by special assessment and is used to pay benefits to disabled workers of bankrupt and noncomplying employers, and to the disabled unemployed claimants who have been held ineligible for further unemployment benefits. Benefits paid from the fund shall be recovered from defaulting employers.
- **PHC** - The PHC Premium Supplementation Fund is established by general fund appropriation and is used to defray the cost of providing health care benefits for employers with less than 8 workers entitled to and covered under this Chapter. To qualify for premium supplementation, you must meet the criteria set forth in Section 393-45, and be determined a "hardship" case by the division. The fund may also reimburse health care expenses to workers of bankrupt and noncomplying employers. Benefits paid from the fund shall be recovered from defaulting employers.

### **Penalty Provisions**

- **WC** - Imposes on an employer who fails to provide the required coverage a penalty of not less than \$250, or \$10 for each worker for every day during which such failure continues, whichever sum is greater.
- **TDI** - Imposes on an employer who fails to provide the required coverage a penalty of not less than \$25, or \$1 for each worker for every day during which such failure continues, whichever sum is greater.
- **PHC** - Imposes on an employer who fails to provide the required coverage a penalty of not less than \$25, or \$1 for each worker for every day during which such failure continues, whichever sum is greater.

For all three laws, if such default extends for 30 days the employer's business may be closed for as long as the default continues. The three laws also impose penalties for other violations.



STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
INSTRUCTION SHEET FOR FORM LIR#27 APPLICATION FOR  
CERTIFICATE OF COMPLIANCE WITH SECTION 3-122-112, HAR

**Purpose**

The State and County Government Purchasing Offices require vendors to submit a completed copy of this certificate. **Page 1 of this application becomes the Certificate of Approval.** Facsimiles and copies of this approval form are proof of compliance. This certificate applies to the Hawaii Unemployment Insurance, Workers' Compensation, Temporary Disability Insurance, and Prepaid Health Care programs.

Applications are available at the addresses below and can be downloaded from the Department of Labor and Industrial Relations' (DLIR) web site ([www.hawaii.gov/labor](http://www.hawaii.gov/labor)). From the DLIR web site, Form LIR#27 is listed under the Unemployment Insurance Division and Disability Compensation Division.

**DO NOT SUBMIT THIS PAGE**

Approved, Not Applicable, or Pending certificates are valid for 6 months.

Date submitted to the DLIR \_\_\_\_\_ (for your use)  
Allow up to a total of seven (7) business days for processing.

**FILING INSTRUCTIONS FOR THE  
APPLICATION FOR CERTIFICATE OF COMPLIANCE WITH SECTION 3-122-112, HAR  
Form LIR#27 (Rev. 10/05)**

**SUBMIT** (mail, fax, or deliver) completed application only to the Department of Labor and Industrial Relations, Unemployment Insurance Division\*.

\*Unemployment Insurance Division  
830 Punchbowl Street, Room 437  
Honolulu, Hawaii 96813  
Ph: (808) 586-8926  
Fax: (808) 586-8929

**INQUIRIES** regarding the status of an application submitted seven (7) business days earlier should be directed to the Disability Compensation Division\*\* (Workers' Compensation, Temporary Disability Insurance, and Prepaid Health programs).

\*\*Disability Compensation Division  
830 Punchbowl Street, Room 209  
Honolulu, Hawaii 96813  
Ph: (808) 586-9200  
Fax: (808) 586-9206

The Approved, Not Applicable, or Pending certificate of approval will be faxed to the applicant by the Disability Compensation Division. Non-compliant applicants will receive Form LIR#27A instructing the applicant to contact the appropriate program(s).

Visit our Website at [www.hawaii.gov/labor](http://www.hawaii.gov/labor) for ALL interactive and downloadable forms.

(Rev. 10/05)





STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
**FORM LIR#27 APPLICATION FOR  
CERTIFICATE OF COMPLIANCE WITH SECTION 3-122-112, HAR**

**1. APPLICANT INFORMATION: (Please Type or Print Clearly)**

*Applicant's Business Name			
Address	City	State	Zip Code
DBA/Trade Name			

\* Business name must be the same name submitted with the applicant's bid or proposal.

**2. IDENTIFICATION NUMBER(S): (Complete Applicable ID Numbers)**

State Department of Labor Unemployment Insurance ID#	Federal Employer ID# (FEIN)
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**3. EMPLOYERS: If you have a State Department of Labor Unemployment Insurance ID#, please skip question 3 only:**

Do you currently have employee(s) working in the State of Hawaii? <input type="checkbox"/> Yes <input type="checkbox"/> No	Do you plan to have employee(s) work in the State of Hawaii? <input type="checkbox"/> Yes <input type="checkbox"/> No
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**SEE INSTRUCTION SHEET FOR FILING INSTRUCTIONS. Failure to provide above required information on this application will result in a denial of this request. Unsigned applications will not be processed.**

**4. SIGNATURE:**

Signature	Date	Telephone No. (     )     (     )	Fax No. (     )     (     )
Print Name		PRINT TITLE: Corporate Officer, General Partner or Member, Individual (Sole Proprietor), Trustee, Executor	
Email Address			

**NOTE: If this application is stamped "PENDING", another LIR#27 must be submitted when employees are performing services in the State to determine compliance with the State of Hawaii labor laws. Approval constitutes a certificate of compliance with labor laws based on information available to the Department as of the approval date.**

**THIS APPLICATION BECOMES THE CERTIFICATE UPON APPROVAL.**  
Facsimiles and copies of this approval form are proof of compliance.

FOR OFFICE USE ONLY		Department of Labor and Industrial Relations Approval Stamp
DLIR Log No.	Date Received	

This certificate is valid for **SIX (6) MONTHS** from the approval date.